

Serial No. 10/787,246
Reply dated August 15, 2005
Response to Office Action dated April 13, 2005

REMARKS/ARGUMENT

Description of amendments

Claims 1-15 are now pending and under examination. Applicant has amended claim 1. No new matter has been added.

The amendment to claim 1 is supported by the application as originally filed (see, for example, page 5, lines 4-7).

Rejections under 35 U.S.C. §§102 and 103(a)

Claims 1-7 and 15 were rejected under 35 U.S.C. §102(b) as being anticipated by *Schaupp* (U.S. Patent 4,502,955). Claims 8-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Schaupp* in view of *Hoffman* (U.S. Patent 3,418,789). The rejections have been rendered moot by the amendment to claim 1 (the only independent claim). Nevertheless, Applicants wish to offer the following comments regarding the validity of the rejections.

The primary reference (*Schaupp*) does not disclose a device for draining water from the *clean side* of the filter medium (28). It is true that the reference discloses two devices for draining water. But both devices are positioned on the unfiltered side of the filter medium (28). It is also true that the two devices are positioned on the upstream and downstream sides of the coalescing medium (27), respectively. However, the coalescing medium (27), with removing water as its primary function, is not a filter medium. Since the reference does not disclose a draining device on the clean side of the filter medium (28), it is impossible to remove water accumulated on the clear side of the filter medium (28) between the filter casing (26) and the filter medium (28). Therefore, the rejections are improper.

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Patentability of amended claims

For the following reasons, the amended claims are patentable over the cited references. The newly added limitation to claim 1 is directed to the removal of water from the clean side of the filter element. As Fig. 1 of the present application shows, the clean liquid side is inside of the filter element above a raw liquid area. Without a corresponding configuration with a channel situated in the raw liquid area, the removal of water is not possible.

Schaupp shows no such channel. *Schaupp* shows only two containers situated in a separate pot 13. This pot can be screwed on or off and is provided with two small openings which are closed with a rotary cock.

The person with ordinary skill in the art is unable to obtain any suggestion from *Schaupp* to arrive the claimed invention, namely to arrange a container within the filter element, with which the removal of water through the raw liquid area is possible.

Therefore, the amended claims are patentable over the cited references.

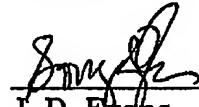
In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #037141.53216US).

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Respectfully submitted,



J. D. Evans
Registration No. 26,269
Song Zhu, Ph.D.
Registration No. 44,420

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
JDE:SZ:tlm (391458)